

**SUBDIVISION
AND
DEVELOPMENT APPEAL BOARD
AGENDA**

**Wednesday, 9:00 A.M.
July 6, 2016**

**Hearing Room No. 2
Churchill Building,
10019 - 103 Avenue NW,
Edmonton, AB**

**SUBDIVISION AND DEVELOPMENT APPEAL BOARD
HEARING ROOM NO. 2**

I	9:00 A.M.	SDAB-D-16-154	Construct an Accessory Building (rear detached Garage, 8.23 metres by 9.75 metres) 12331 - 81 Street NW Project No.: 185799584-006
<hr/>			
II	10:30 A.M.	SDAB-D-16-155	Construct to exterior alterations (stationary mechanical system in side yard) to an existing Single Detached House. 10746 - 123 Street NW Project No.: 164329606-011
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III	10:30 A.M.	SDAB-D-16-156	Construct to exterior alterations (stationary mechanical system in side yard) to an existing Single Detached House. 10742 - 123 Street NW Project No.: 188590187-002
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IV	1:30 P.M.	SDAB-D-16-157	Construct a Semi-Detached House with front verandas, fireplaces and rear uncovered decks (3.66 metres by 5.18 metres). 9534 - 73 Avenue NW Project No.: 188462714-001

NOTE: *Unless otherwise stated, all references to "Section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.*

ITEM I: 9:00 A.M.

FILE: SDAB-D-16-154

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 185799584-006

ADDRESS OF APPELLANT: 12014 – 101 Street NW

APPLICATION TO: Construct an Accessory Building (rear detached Garage, 8.23 metres by 9.75 metres)

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: June 2, 2016

DATE OF APPEAL: June 8, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 12331 - 81 Street NW

LEGAL DESCRIPTION: Plan 8111ET Blk 8 Lot 6

ZONE: RF1-Single Detached Residential Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: N/A

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

I see so many new accessory buildings going up around Edmonton's mature neighbourhoods that exceed the height of 14 feet inches - 4.3 metres.

Also as an artist I have been paying a lot of unnecessary rent to create / write music / artwork. I would love to create a quiet getaway place to relieve everyday stresses in my own back yard. I cannot afford to rent space any longer.

Please consider my reasons as if they are personal and dear to your own likes and passions.

General Matters

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

- 685(1)** If a development authority
- (a) fails or refuses to issue a development permit to a person,
 - (b) issues a development permit subject to conditions, or
 - (c) issues an order under section 645,
- the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

Appeals

- 686(1)** A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,
- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

687(3) In determining an appeal, the subdivision and development appeal board

...

(a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 110.1 states the **General Purpose** of the **RF1 Single Detached Residential Zone** is to provide for Single Detached Housing while allowing other forms of small scale housing in the form of Secondary Suites, Semi-detached Housing and Duplex Housing under certain conditions.

Section 110.2(4) states **Single Detached Housing** is a **Permitted Use** in the RF1 Single Detached Residential Zone.

Under Section 7.2(9), **Single Detached Housing** means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 814.1 states the **General Purpose** of the **Mature Neighbourhood Overlay** is to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

Height

Section 50.3(2) states an Accessory building or structure shall not exceed 4.3 metres in Height.

Development Officer's Determination

Proposed Height: 5.6 metres

Exceeds by: 1.3 metres

Ridge line of the Roof

Section 52.2(c) states where the maximum Height as determined by Section 52.1 is measured to the midpoint, the ridge line of the roof shall not extend more than 1.5 metres above the maximum permitted building Height of the Zone or overlay, or in the case of a Garage Suite the maximum permitted building Height in accordance with Section 87 of this Bylaw.

Development Officer's Determination

Maximum height permitted to ridge line: 5.8 metres

Proposed Height to ridge: 6.5 metres

Exceeds by: 0.7 metres

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: **185799584-006**
 Application Date: JAN 27, 2016
 Printed: June 9, 2016 at 10:30 AM
 Page: 1 of 2

Application for Accessory Building Development and Building Permit

This document is a record of a Development Permit and/or Building Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended, Safety Codes Act RSA 2000, Safety Codes Act Permit Regulation, Alberta Building Code 2006 and City of Edmonton Bylaw 15894 Safety Codes Permit

Applicant DEMELO, JOHN & ROSSANA <div style="border: 1px solid black; width: 200px; height: 20px; margin-top: 5px;"></div>	Property Address(es) and Legal Description(s) 12331 - 81 STREET NW Plan 8111ET Blk 8 Lot 6 Location(s) of Work Entryway: 12331 - 81 STREET NW Building: 12331 - 81 STREET NW
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Scope of Application
 To construct an Accessory Building (rear detached Garage, 8.23m x 9.75m).

Permit Details Building Area (sq. ft.): 864 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay	Class of Permit: (none) Type of Accessory Building: Detached Garage (010)
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I/We certify that the above noted details are correct.
 Applicant signature: _____

Development Application Decision
 Refused

Reasons for Refusal

1. An Accessory Building or Structure shall not exceed 4.3m (14.1 ft) in Height. (Reference Section 50.3(2))

 Proposed Height: 5.6 m
 Exceeds by: 1.3 m

2. The ridge line of the roof shall not extend more than 1.5 m above the maximum permitted building Height of the Zone or overlay. (Reference Section 52(2)(c))

 Maximum height permitted to ridge line: 5.8 m
 Proposed Height to ridge: 6.5 m
 Exceeds by: 0.7 m

Rights of Appeal
 The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Jun 02, 2016 **Development Authority:** HETHERINGTON, FIONA **Signature:** _____

Fees	Fee Amount	Amount Paid	Receipt #	Date Paid
Safety Codes Fee	\$4.50	\$4.50	03031421	Jan 27, 2016
Dev. Application Fee	\$108.00	\$108.00	03031421	Jan 27, 2016

THIS IS NOT A PERMIT



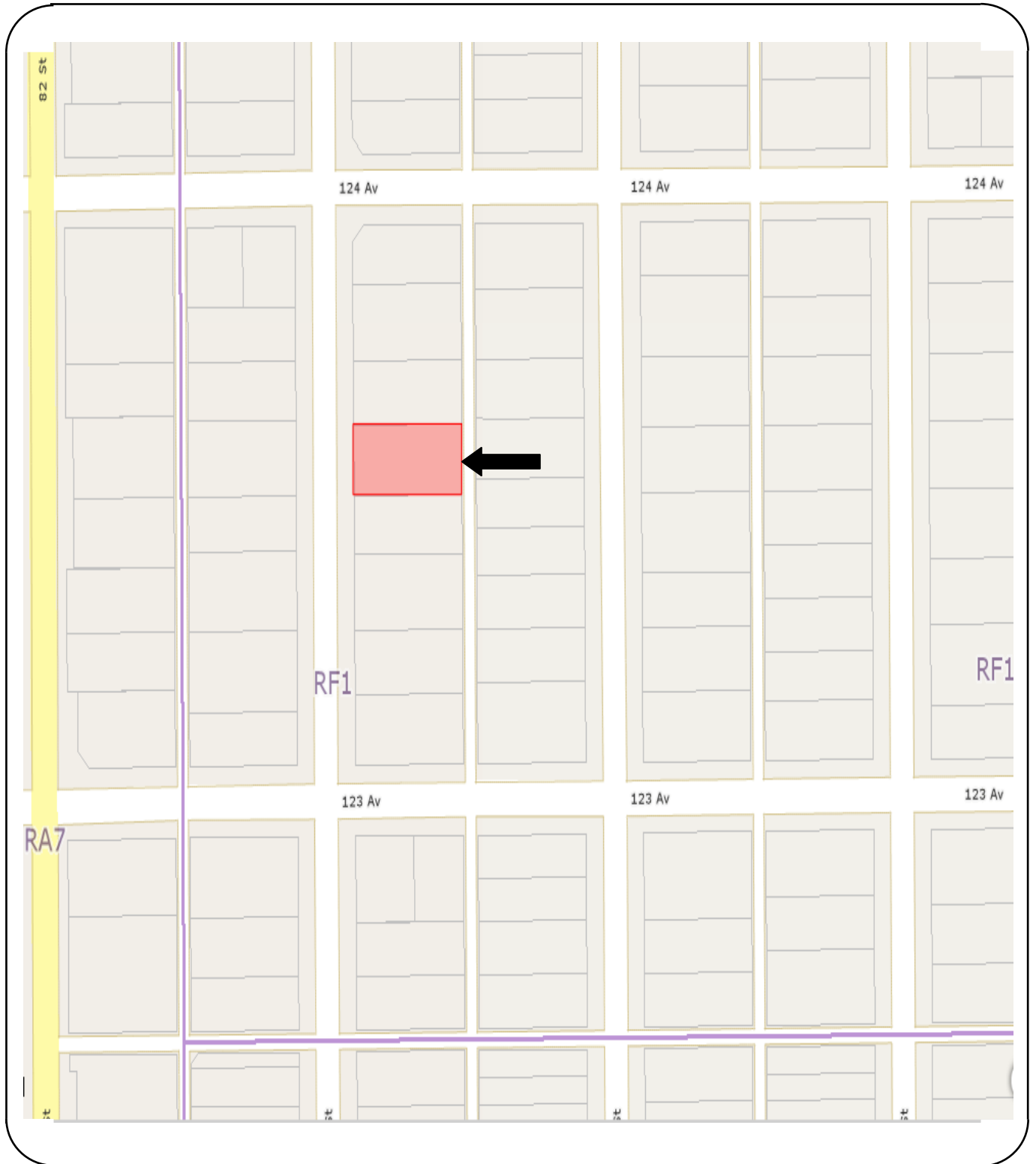
Project Number: **185799584-006**
Application Date: JAN 27, 2016
Printed: June 9, 2016 at 10:30 AM
Page: 2 of 2

Application for Accessory Building Development and Building Permit

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Building Permit Fee	\$102.00	\$102.00	03031421	Jan 27, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$214.50	\$214.50		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-154



ITEM II: 10:30 A.M.

FILE: SDAB-D-16-155

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 164329606-011

ADDRESS OF APPELLANT: 10123 – 99 Street NW

APPLICATION TO: Construct to exterior alterations (stationary mechanical system in side yard) to an existing Single Detached House.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 25, 2016

DATE OF APPEAL: June 8, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10746 - 123 Street NW

LEGAL DESCRIPTION: Plan 1424961 Blk 25 Lot 21

ZONE: RF3-Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

Thank you taking the time to review my appeal in regards to the AC units on the 10742-123 Street and 10746-123 Street properties.

We would like to keep the AC units in their current places as the bylaw does state that this placement for the unit is unacceptable due to the size of the lot. The City was fine with having the units in between the two homes we have constructed (see below email from Melissa Ziober):

Hello,

If you can locate them between the two new houses, preferably not right across from each other.

Melissa Ziober | Planning Technician

Development Approvals | Development Services
Sustainable Development
10th Floor - 10250 101 Street NW | Edmonton AB | T5J 3P4
t 780-442-4543 | e melissa.ziober@edmonton.ca

I do have a concern with moving the AC units between the two address of 10742 and 10746 as there are windows from the basement in between the houses and we would need to offset the spacing between the homes for the units which would create limited space for escape if there was a fire. There will be a fence at the end of the house between the homes with no gate so people would need to walk to the front of the property to escape a potential fire/ emergency.

We have put a solid fence around the AC units so that will mitigate the noise and completely blocks line of sight to the air conditioner from noise sensitive locations view. The AC units are a Lennox 13ACX Single Stage Air Conditioner with noise as low as 76dB. (<http://www.lennox.com/products/heating-cooling/air-conditioners/13acx> - then click product specifications)

This testimonial of the unit is off of the Lennox website:

5/5

Quiet and good job cooling the house
September 18, 2014

This unit is located just outside my bedroom window. I am a light sleeper and I have not heard the unit turn on or off. The unit cools the upstairs of the house and so far we are pleased with the temperature control.

What sold me on Lennox: Reputation, Warranty

(<http://www.lennox.com/products/heating-cooling/air-conditioners/13acx>)

Also in regards to the property on the corner of 108 Avenue just beside the 10746 123 Street house - this property is much further away and should virtually not be heard from the occupants in that home.

I do not see the difference in placing the units between the two newly constructed homes or on the sides as they currently are, especially since the reasoning is that the site width is not the 9.0 metres standard.

When I spoke to Melissa she had also mentioned that if this issue was not brought to the attention of the City by a complaint they would have had no problem issuing the permit.

I would like to plead with your office that the permit be issued, as AC units are not on all day and the amount of time that the units are on is minimal and usually during the day when individuals are away from their home at work.

If you have any other questions, please give me a call to discuss.

Once again thank you for your time.

Sincerely,

Joanna Wass
Haya Homes
Project Manager

780-756-7173

General Matters

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

- 685(1)** If a development authority
- (a) fails or refuses to issue a development permit to a person,
 - (b) issues a development permit subject to conditions, or
 - (c) issues an order under section 645,
- the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

687(3) In determining an appeal, the subdivision and development appeal board

...

(a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 states the **General Purpose** of the **RF3 Small Scale Infill Development Zone** is to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.

Section 140.2(9) states **Single Detached Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Under Section 7.2(9), **Single Detached Housing** means development consisting of a building containing only one Dwelling, which is separate from any other Dwelling or building. Where a Secondary Suite is a Permitted or Discretionary Use Class in a Zone, a building which contains Single Detached Housing may also contain a Secondary Suite. This Use Class includes Mobile Homes which conform to Section 78 of this Bylaw.

Section 814.1 states the **General Purpose** of the **Mature Neighbourhood Overlay** is to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight

penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

Stationary Mechanical System

Section 45.8 states on a Site in a residential Zone, any component of a stationary mechanical system that emits noise or is designed to emit noise outside of a building that is audible on any Abutting Site in a residential Zone; and is located on, or Abutting, a Site in a residential Zone that has a Site Width of less than 9.0 metres, shall be located in a Rear Yard.

Development Officer's Determination

The air conditioning unit is located in the Side Yard of the property and the Site Width is 7.6 metres. The air conditioning unit shall be located in the Rear Yard.

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: **164329606-011**
 Application Date: APR 05, 2016
 Printed: June 9, 2016 at 11:23 AM
 Page: 1 of 1

Application for Minor Development Permit

This document is a Development Permit Decision for the development application described below.

Applicant

HAYA HOMES LTD / LIMAK INVESTMENTS INC.

Property Address(es) and Legal Description(s)

10746 - 123 STREET NW
 Plan 1424961 Blk 25 Lot 21

Scope of Application

To construct to exterior alterations (stationary mechanical system in side yard) to an existing Single Detached House.

Permit Details

of Dwelling Units Add/Remove: 0
 Client File Reference Number:
 Minor Dev. Application Fee: Hot Tub
 Secondary Suite Included?: N

Class of Permit:
 Lot Grading Needed?: N
 New Sewer Service Required: N
 Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision

Refused

Reason for Refusal

Section 45.8 - any component of a stationary mechanical system that: emits noise or is designed to emit noise outside of a building that is audible on any Abutting Site in a residential Zone; and is located on, or Abutting, a Site in a residential Zone that has a Site Width of less than 9.0 m; shall be located in a Rear Yard.

The air conditioning unit is located in the Side Yard of the property and the Site Width is 7.6m. The air conditioning unit shall be located in the Rear Yard.

Rights of Appeal

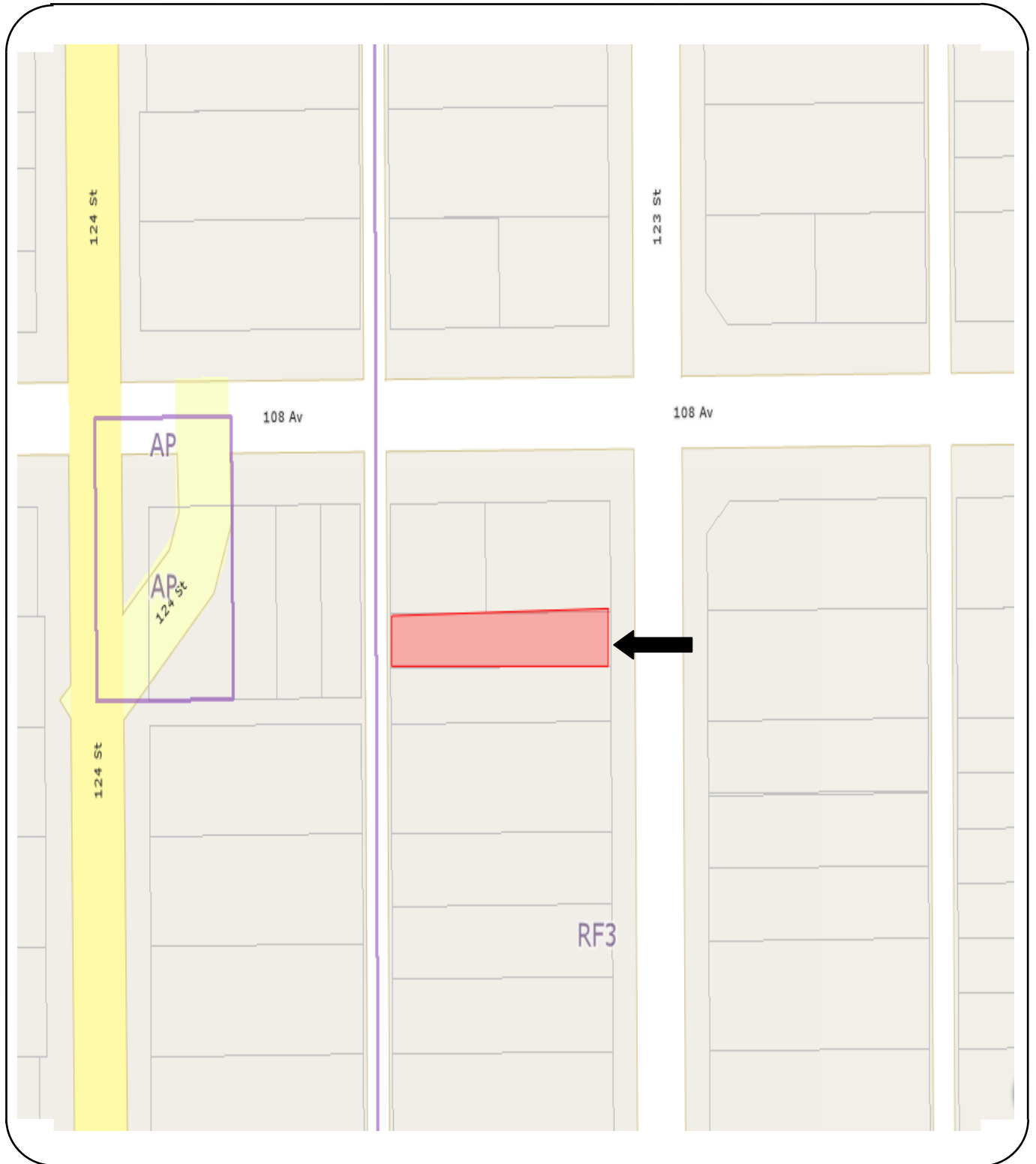
The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: May 25, 2016 **Development Authority:** ZIOBER, MELISSA **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$108.00	\$108.00	03180211	Apr 05, 2016
Total GST Amount:	\$0.00	_____		
Totals for Permit:	\$108.00	\$108.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-155



ITEM III: 10:30 A.M.

FILE: SDAB-D-16-156

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER

APPELLANT:

APPLICATION NO.: 188590187-002

ADDRESS OF APPELLANT: 10123 – 99 Street NW

APPLICATION TO: Construct to exterior alterations (stationary mechanical system in side yard) to an existing Single Detached House.

DECISION OF THE DEVELOPMENT AUTHORITY: Refused

DECISION DATE: May 25, 2016

DATE OF APPEAL: June 8, 2016

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 10742 - 123 Street NW

LEGAL DESCRIPTION: Plan 1424961 Blk 25 Lot 22

ZONE: RF3-Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: West Ingle Area Redevelopment Plan

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

Thank you taking the time to review my appeal in regards to the AC units on the 10742-123 Street and 10746-123 Street properties.

We would like to keep the AC units in their current places as the bylaw does state that this placement for the unit is un acceptable due to the size of the lot. The City was fine with having the units in between the two homes we have constructed (see below email from Melissa Ziober):

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If you can locate them between the two new houses, preferably not right across from each other.

Melissa Ziober | Planning Technician

Development Approvals | Development Services
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I do have a concern with moving the AC units between the two address of 10742 and 10746 as there are windows from the basement in between the houses and we would need to offset the spacing between the homes for the units which would create limited space for escape if there was a fire. There will be a fence at the end of the house between the homes with no gate so people would need to walk to the front of the property to escape a potential fire/ emergency.

We have put a solid fence around the AC units so that will mitigate the noise and completely blocks ?line of sight? to the air conditioner from noise sensitive locations view. The AC units are a Lennox 13ACX Single Stage Air Conditioner with noise as low as 76dB. (<http://www.lennox.com/products/heating-cooling/air-conditioners/13acx> - then click product specifications)

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I would like to pled with your office that the permit be issued, as AC units are not on all day and the amount of time that the units are on is minimal and usually during the day when individuals are away from their home at work.

If you have any other questions, please give me a call to discuss.

Once again thank you for your time.

Sincerely,

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Haya Homes
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780-756-7173

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(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

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Section 140.2(9) states **Single Detached Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

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Section 814.1 states the **General Purpose** of the **Mature Neighbourhood Overlay** is to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

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Section 45.8 states on a Site in a residential Zone, any component of a stationary mechanical system that emits noise or is designed to emit noise outside of a building that is audible on any Abutting Site in a residential Zone; and is located on, or Abutting, a Site in a residential Zone that has a Site Width of less than 9.0 metres, shall be located in a Rear Yard.

Development Officer's Determination

The air conditioning unit is located in the Side Yard of the property and the Site Width is 7.6 metres. The air conditioning unit shall be located in the Rear Yard.

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: **188590187-002**
 Application Date: APR 05, 2016
 Printed: June 9, 2016 at 10:44 AM
 Page: 1 of 1

Application for Minor Development Permit

This document is a Development Permit Decision for the development application described below.

<p>Applicant</p> <p style="text-align: center;">HAYA HOMES LTD / LIMAK INVESTMENTS INC.</p> <div style="border: 1px solid black; width: 200px; height: 20px; margin: 10px auto;"></div>	<p>Property Address(es) and Legal Description(s)</p> <p style="text-align: center;">10742 - 123 STREET NW Plan 1424961 Blk 25 Lot 22</p>
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Scope of Application
 To construct to exterior alterations (stationary mechanical system in side yard) to an existing Single Detached House.

Permit Details

<p># of Dwelling Units Add/Remove: 0 Client File Reference Number: Minor Dev. Application Fee: Hot Tub Secondary Suite Included?: N</p>	<p>Class of Permit: Class A Lot Grading Needed?: N New Sewer Service Required: N Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay</p>
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I/We certify that the above noted details are correct.

Applicant signature: _____

Development Application Decision
 Refused

Reason for Refusal
 Section 45.8 - any component of a stationary mechanical system that: emits noise or is designed to emit noise outside of a building that is audible on any Abutting Site in a residential Zone; and is located on, or Abutting, a Site in a residential Zone that has a Site Width of less than 9.0 m; shall be located in a Rear Yard.

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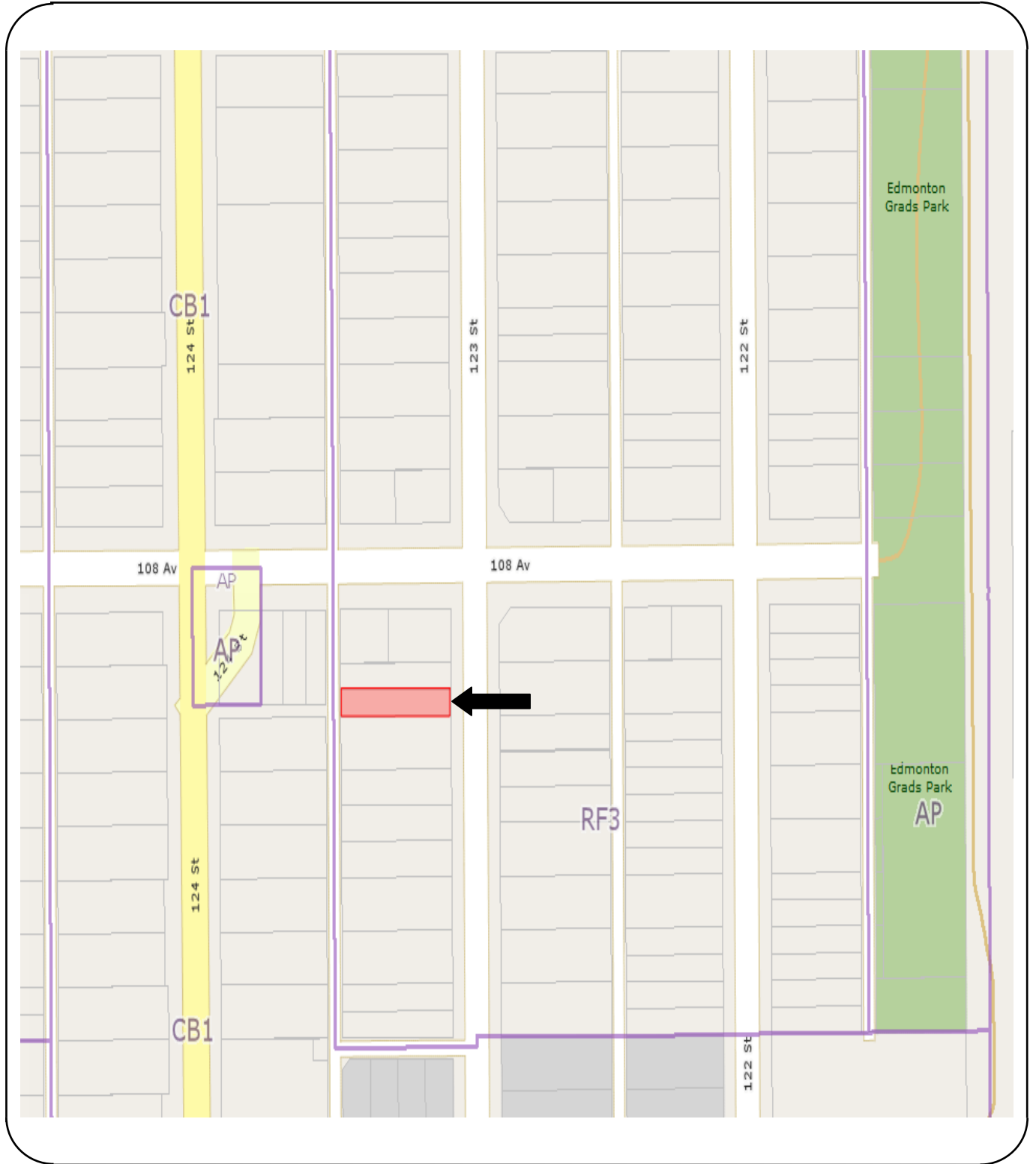
Rights of Appeal
 The Applicant has the right of appeal within 14 days of receiving notice of the Development Application Decision, as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: May 25, 2016 **Development Authority:** ZIOBER, MELISSA **Signature:** _____

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
Dev. Application Fee	\$108.00	\$108.00	03180210	Apr 05, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$108.00	\$108.00		

THIS IS NOT A PERMIT



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-156



ITEM IV: 1:30 P.M.

FILE: SDAB-D-16-157

AN APPEAL FROM THE DECISION OF THE DEVELOPMENT OFFICER BY AN
ADJACENT PROPERTY OWNER

APPELLANT:

APPLICATION NO.: 188462714-001

ADDRESS OF APPELLANT: 9525 - 74 Avenue NW

APPLICATION TO: Construct a Semi-Detached House with front verandas, fireplaces and rear uncovered decks (3.66 metres by 5.18 metres).

DECISION OF THE DEVELOPMENT AUTHORITY: Approved with Notices

DECISION DATE: June 1, 2016

DATE OF APPEAL: June 10, 2016

NOTIFICATION PERIOD: June 7, 2016 through June 20, 2016

RESPONDENT:

ADDRESS OF RESPONDENT: 6009 – 44 Avenue NW

MUNICIPAL DESCRIPTION OF SUBJECT PROPERTY: 9534 - 73 Avenue NW

LEGAL DESCRIPTION: Plan 426HW Blk 19 Lot S

ZONE: RF3-Small Scale Infill Development Zone

OVERLAY: Mature Neighbourhood Overlay

STATUTORY PLAN: Ritchie Area Redevelopment Plan

Grounds for Appeal

The Appellant provided the following reasons for appealing the decision of the Development Authority:

1. Lot not designated for duplex or semi-detached.

2. As a new home owner I relied on the bylaws to ensure the surrounding properties were not able to have semi-detached or duplexes constructed.
3. Builder / developer knew that the lot was not wide enough and there is no prejudice in the event my appeal is granted.
4. Permitting this variance will disturb the delicate balance of the RF3 development in the neighbourhood.
5. Permitting this variance will allow and give a precedent to other variances in the same area for lots of similar size.

Further reasons to be provided.

General Matters

Appeal Information:

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

Grounds for Appeal

685(1) If a development authority

- (a) fails or refuses to issue a development permit to a person,
- (b) issues a development permit subject to conditions, or
- (c) issues an order under section 645,

the person applying for the permit or affected by the order under section 645 may appeal to the subdivision and development appeal board.

685(2) In addition to an applicant under subsection (1), any person affected by an order, decision or development permit made or issued by a development authority may appeal to the subdivision and development appeal board.

Appeals

686(1) A development appeal to a subdivision and development appeal board is commenced by filing a notice of the appeal, containing reasons, with the board within 14 days,

- (a) in the case of an appeal made by a person referred to in section 685(1), after
 - (i) the date on which the person is notified of the order or decision or the issuance of the development permit,

The *Municipal Government Act*, RSA 2000, c M-26 states the following:

687(3) In determining an appeal, the subdivision and development appeal board

...

(a.1) must comply with the land use policies and statutory plans and, subject to clause (d), the land use bylaw in effect;

...

(c) may confirm, revoke or vary the order, decision or development permit or any condition attached to any of them or make or substitute an order, decision or permit of its own;

(d) may make an order or decision or issue or confirm the issue of a development permit even though the proposed development does not comply with the land use bylaw if, in its opinion,

(i) the proposed development would not

(A) unduly interfere with the amenities of the neighbourhood, or

(B) materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land,

and

(ii) the proposed development conforms with the use prescribed for that land or building in the land use bylaw.

General Provisions from the *Edmonton Zoning Bylaw*:

Section 140.1 states the **General Purpose** of the **RF3 Small Scale Infill Development Zone** is to provide for Single Detached Housing and Semi-detached Housing while allowing small-scale conversion and infill redevelopment to buildings containing up to four Dwellings, and including Secondary Suites under certain conditions.

Section 140.2(8) states **Semi-detached Housing** is a **Permitted Use** in the RF3 Small Scale Infill Development Zone.

Under Section 7.2(8), **Semi-detached Housing** means development consisting of a building containing only two Dwellings joined in whole or in part at the side or rear with no Dwelling being placed over another in whole or in part. Each Dwelling has separate, individual, and direct access to Grade. This type of development is designed and constructed as two Dwellings at the time of initial construction of the building. This Use Class does not include Secondary Suites or Duplexes.

Section 814.1 states the **General Purpose** of the **Mature Neighbourhood Overlay** is to ensure that new low density development in Edmonton's mature residential neighbourhoods is sensitive in scale to existing development, maintains the traditional character and pedestrian-friendly design of the streetscape, ensures privacy and sunlight penetration on adjacent properties and provides opportunity for discussion between applicants and neighbouring affected parties when a development proposes to vary the Overlay regulations.

Site Width

Section 140.4(3)(b) states on a non-Corner Lot, the minimum Site Width shall be 13.4 metres, except that if the Dwellings are arranged along the depth of the Site rather than the width, the minimum Site Width may be reduced to 10.0 metres.

Development Officer's Determination

Required Width: 13.40 metres

Proposed Width: 12.94 metres

Variance: 0.46 metres

Notice to Applicant/Appellant

Provincial legislation requires that the Subdivision and Development Appeal Board issue its official decision in writing within fifteen days of the conclusion of the hearing. Bylaw No. 11136 requires that a verbal announcement of the Board's decision shall be made at the conclusion of the hearing of an appeal, but the verbal decision is not final nor binding on the Board until the decision has been given in writing in accordance with the *Municipal Government Act*.



Project Number: 188462714-001
Application Date: MAR 10, 2016
Printed: June 10, 2016 at 10:01 AM
Page: 1 of 3

Minor Development Permit

This document is a record of a Development Permit application, and a record of the decision for the undertaking described below, subject to the limitations and conditions of this permit, of the Edmonton Zoning Bylaw 12800 as amended.

Applicant

HILLCREST HOMES



Property Address(es) and Legal Description(s)

9534 - 73 AVENUE NW
Plan 426HW Blk 19 Lot S

Scope of Permit

To construct a Semi-Detached House with front verandas, fireplaces and rear uncovered decks (3.66m x 5.18m).

RF3

Permit Details

of Dwelling Units Add/Remove: 1
Client File Reference Number:
Minor Dev. Application Fee: Semi-Detached House
Secondary Suite Included?: N

Class of Permit: Class B
Lot Grading Needed?: Y
New Sewer Service Required: Y
Stat. Plan Overlay/Annex Area: Mature Neighbourhood Overlay

I/We certify that the above noted details are correct.

Applicant signature: _____

Development Permit Decision

Approved

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **188462714-001**
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Minor Development Permit

Subject to the Following Conditions

This Development Permit is NOT valid until the Notification Period expires in accordance to Section 21.1. (Reference Section 17.1)

This Development Permit authorizes the development of a Semi-Detached House with front verandas, fireplaces and rear uncovered decks (3.66m x 5.18m). The development shall be constructed in accordance with the stamped and approved drawings.

The Height of the principal building shall not exceed 8.6m as per the Height definition of Section 6.1(49) of the Edmonton Zoning Bylaw 12800.

A Secondary Suite is NOT authorized under this Development Permit. Therefore, cooking facilities shall not be developed in the basement unless a separate Development Permit has been approved to authorize a Secondary Suite.

Any future basement development may require development and building permit approvals.

The Basement elevation of structures of two or more Storeys in Height shall be no more than 1.2 m above Grade. The Basement elevation shall be measured as the distance between Grade level and the floor of the first Storey.

Platform Structures greater than 1.0 m above Grade shall provide privacy screening to the satisfaction of the Development Officer to prevent visual intrusion into adjacent properties.

Landscaping shall be developed in accordance with Section 55 and Section 140.4(16) of the Edmonton Zoning Bylaw 12800.

All yards, visible from a public roadway other than a lane, shall be seeded or sodded within eighteen (18) consecutive months of the issuance of an Occupancy Certificate for the development. Alternative forms of landscaping may be substituted for seeding or sodding as specified in Section 55.2(4)(b).

Notwithstanding the Landscaping regulations of Section 55 of this Bylaw, where new development consists of replacement or infill within areas of existing housing, Landscaping shall be implemented as a component of such new development in order to replace vegetation removed during construction or to reinforce an established Landscaping context in the area.

ADVISEMENTS:

- i.) Lot grades must comply with the Edmonton Drainage Bylaw 16200. Contact Drainage Services at 780-496-5500 for lot grading inspection inquiries.
- ii.) Any future deck development greater than 0.6m (2ft) in height will require development and building permit approvals
- iii.) Any future deck enclosure or cover requires a separate development and building permit approval.
- iv.) The driveway access must maintain a minimum clearance of 1.5m from any service pedestal and all other surface utilities.
- v.) Any hoarding or construction taking place on road right-of-way requires an OSCAM (On-Street Construction and Maintenance) permit. It should be noted that the hoarding must not damage boulevard trees. The owner or Prime Contractor must apply for an OSCAM online at: http://www.edmonton.ca/bylaws_licences/licences_permits/oscam-permit-request.aspx
- vi.) Unless otherwise stated, all above references to "section numbers" refer to the authority under the Edmonton Zoning Bylaw 12800.
- vii.) An approved Development Permit means that the proposed development has been reviewed only against the provisions of the Edmonton Zoning Bylaw. It does not remove obligations to conform with other legislation, bylaws or land title instruments such as the Municipal Government Act, the ERCB Directive 079, the Edmonton Safety Codes Permit Bylaw or any caveats, covenants or easements that might be attached to the Site.

The permit holder is advised to read the reverse for important information concerning this decision.



Project Number: **188462714-001**
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Minor Development Permit

Variations

Site Width - The width of the site is 12.94m instead of 13.40m (Section 140.4(3)(b)).

Rights of Appeal

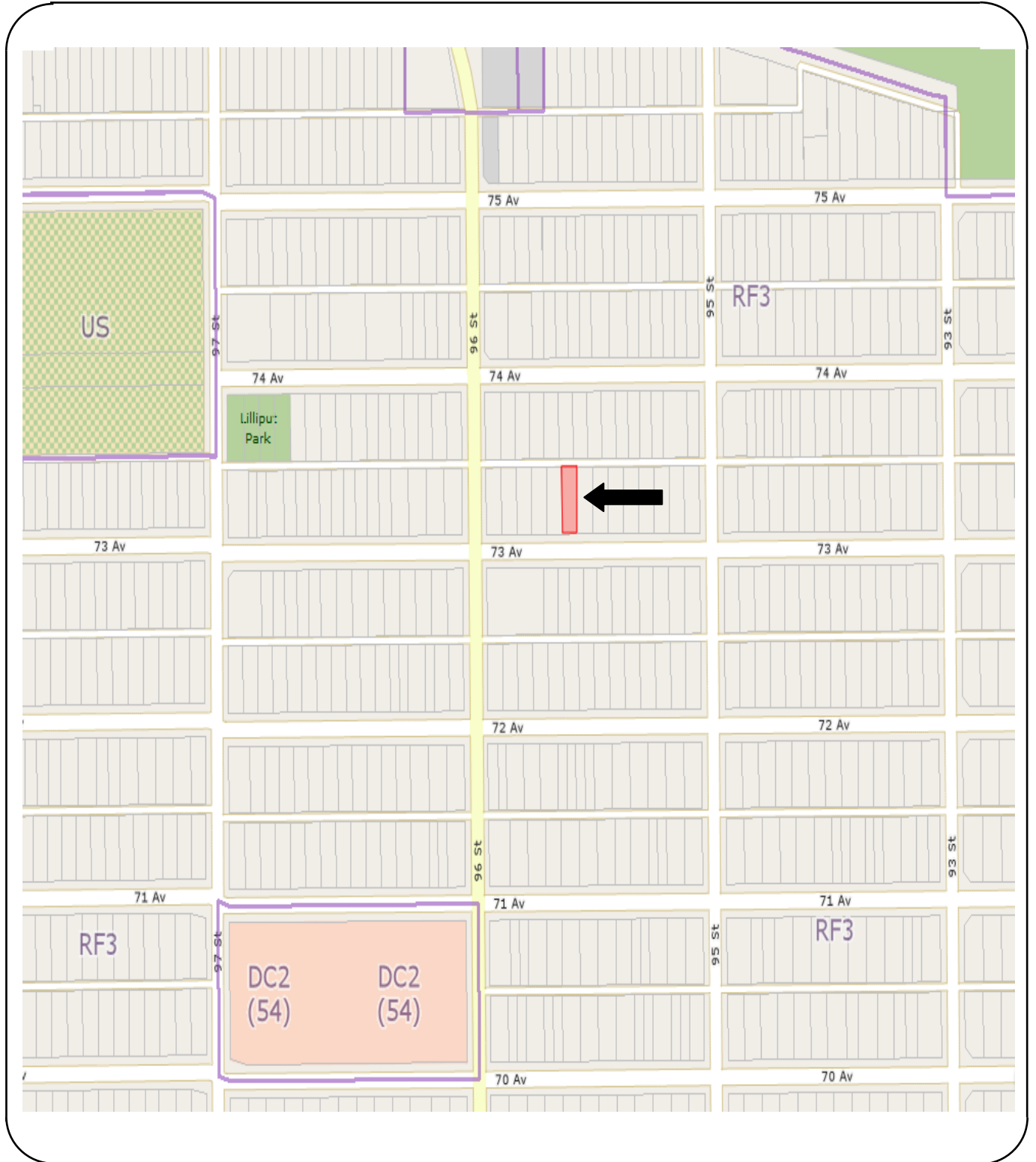
This approval is subject to the right of appeal as outlined in Chapter 24, Section 683 through 689 of the Municipal Government Amendment Act.

Issue Date: Jun 01, 2016 **Development Authority:** LANGILLE, BRANDON **Signature:** _____
Notice Period Begins: Jun 07, 2016 **Ends:** Jun 20, 2016

Fees

	Fee Amount	Amount Paid	Receipt #	Date Paid
DP Notification Fee	\$41.00			
Dev. Application Fee	\$456.00	\$456.00	03121275	Mar 10, 2016
Lot Grading Fee	\$135.00	\$135.00	03121275	Mar 10, 2016
Sanitary Sewer Trunk Fund	\$1,566.00	\$1,566.00	03121275	Mar 10, 2016
Total GST Amount:	\$0.00			
Totals for Permit:	\$2,198.00	\$2,157.00		
(\$41.00 outstanding)				

The permit holder is advised to read the reverse for important information concerning this decision.



SURROUNDING LAND USE DISTRICTS

Site Location ←

File: SDAB-D-16-157



BUSINESS LAID OVER

SDAB-D-16-162	An appeal by <u>A. Cotton</u> vs. <u>Y. Noel</u> and <u>A. Hurtarte</u> to develop a Secondary Suite in the Basement and to construct exterior alterations (install a side entrance on the main floor) to an existing Single Detached House <i>July 13, 2016</i>
SDAB-D-16-120	An appeal by <u>The House Company</u> to construct a Single Detached House with attached Garage, veranda, fireplace, rear balcony (irregular shape, 4.25 metres by 2.22 metres) and Basement development (NOT to be used as an additional Dwelling) <i>August 3, 2016</i>
SDAB-D-16-136	An appeal by <u>Bill Co. Incorporated</u> to extend the duration of a Freestanding Minor Digital Off-premises Sign (3.05m x 10.37m Single Sided Facing South) <i>August 17 or 18, 2016</i>
SDAB-D-16-144	An appeal by <u>Kiewit Energy Canada Corp</u> to construct 6 Accessory General Industrial Use buildings - existing without permits (Kiewit Energy Canada Corp - 3 lunchroom buildings, 2 office buildings, and 1 office/lunch building) <i>November 30 or December 1, 2016</i>

APPEAL HEARINGS TO BE SCHEDULED

99312099-004	An appeal by <u>1043389 Alta. Ltd.</u> regarding a Stop Order issued for the property located at 6520 – 8 Street NW. <i>July 13, 2016</i>
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